

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

DECISION AND ORDER

v.

19-CR-158-A

BRANDON SMITH,

Defendant.

This case was referred to Magistrate Judge Michael J. Roemer pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On February 25, 2021, defendant Brandon Smith appeared before Magistrate Judge Roemer and entered a plea of guilty to Count 1 of the Superseding Indictment which charges him with conspiracy to possess with intent to distribute, and to distribute, 5 grams or more of actual methamphetamine in violation of 21 U.S.C. § 846.

Magistrate Judge Roemer issued a Report and Recommendation (Dkt. No. 143) confirming his oral findings that defendant's plea of guilty was knowing, voluntary, and supported by a factual basis. It is hereby

ORDERED that, upon review of the transcript of the February 25, 2021, change-of-plea proceeding before the Magistrate Judge, and the Report and Recommendation, the Court finds that defendant Brandon Smith's plea of guilty was knowing, voluntary, and has a factual basis. Accordingly, defendant Smith's plea of guilty is accepted based upon the oral findings of the Magistrate Judge as confirmed in the written Report and Recommendation. Dkt. No. 143. Sentencing is scheduled for July 12, 2021 at

12:30 pm. The parties are directed to the Court's forthcoming Text Order for the submission of sentencing documents.

IT IS SO ORDERED.

s/Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: March 25, 2021